



pennsylvania

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Bureau of Waste Management



DEP Information Meeting/Hearing

Elcon Recycling Services LLC
Falls Township Municipal Building
Dec. 10, 2014

Purpose of Public Meeting

- Inform public of the hazardous waste siting process.
- Discuss the siting application under review.
- Discuss possible environmental impacts of proposed facility.
- Answer questions on review and permit process.
- Supply public with information that will assist them in preparing comment or testimony for the public hearing.

DEP Siting Team

- Hazardous Sites Cleanup Act requires the establishment of a Hazardous Waste Facility Siting Team consisting of DEP personnel with the particular expertise necessary for the complete review of permit applications for commercial hazardous waste treatment or disposal facilities.
- Team representatives determine conformity of the application to exclusionary siting criteria.

DEP Siting Team

Leader: Cosmo Servidio, Southeast Regional Director

Members

Coordinators: Glenn Mitzel and James Wentzel, P.E.

Engineer: Mohamad Mazid, Ph.D., P.E. and Vu Tran

Attorneys: William Cumings and William Blasberg

Step I: Pre-Application Process

- Applicant submits pre-application materials to DEP Siting Team Leader.
- Applicant has pre-application meeting and field visit with team members at the proposed site.
- Meeting summary is prepared and distributed.

➤ Step II: Phase I Exclusionary Criteria Review

- Applicant submits the following application information:
 - Exclusionary siting criteria information (Module 9)
 - Part A of hazardous waste permit application
 - Geology and soils information (if applicable)
 - Compliance history
- Siting Team reviews siting information for completeness.

Step II: Continued

- DEP holds at least one public information meeting and public hearing on the Phase I Siting Application.
- Siting Team makes decision on site suitability. If the site meets exclusionary criteria, the process continues.

Application Denial

- If the application for Phase I siting criteria is unacceptable, the application will be denied and returned to the applicant with no further action by DEP.

➤ Step III: Operations and Design Application Process

- Prior to submission of the complete Part B permit application, the applicant must hold at least one public meeting to solicit comments and questions from the community and inform the community of the proposed hazardous waste management activities.

➤ Step III: Operations and Design Application Process

- Applicant submits the remainder of application information:
 - Facility design and operation
 - Non-exclusionary Phase II siting criteria
 - Appropriate application fees
 - Information from the public meeting
- Siting Team reviews application for completeness. If complete, the application process continues.

Step III: Continued

- If application is incomplete, it is returned to the applicant along with written notice of what is needed to make complete.
- Siting Team reviews complete application and makes recommendations to DEP Secretary relating to issuance of a draft permit.
- DEP publishes notice of draft permit or notice of intent to deny in Pennsylvania Bulletin.

Step IV: Permit Decision

- DEP holds public hearing and accepts written public comments on draft permit or notice of intent to deny.
- Siting Team reviews public comments and makes recommendations relating to issuance of final permit to DEP Secretary.
- Final permit is issued or denied.

Where we are in the Process

- On March 27, DEP received a Phase I siting application from Elcon.
- On June 11, DEP conducted a meeting and site visit at the proposed Elcon site in U.S. Steel's Keystone Industrial Port complex. Meeting was attended by representatives from DEP Siting team, Elcon representatives, consultant, and legal counsel, and a representative from U.S. Steel.

➤ Where we are in the Process, Continued

- Supplemental information was received from Elcon on July 15 and Aug. 22.
- DEP determined Elcon's Phase I siting application to be administratively complete on Sept. 16.
- The purpose of this Phase I siting application is solely to determine whether the proposed site complies with the exclusionary Siting Criteria of 25 Pa Code Sections 269a.21-269a.29.

➤ Where we are in the Process, Continued

- If the site does meet the applicable siting criteria, the applicant must still submit a permit application, which would have to be approved by DEP before a facility would be permitted for construction or operation at this location.

Phase I Exclusionary Siting Criteria

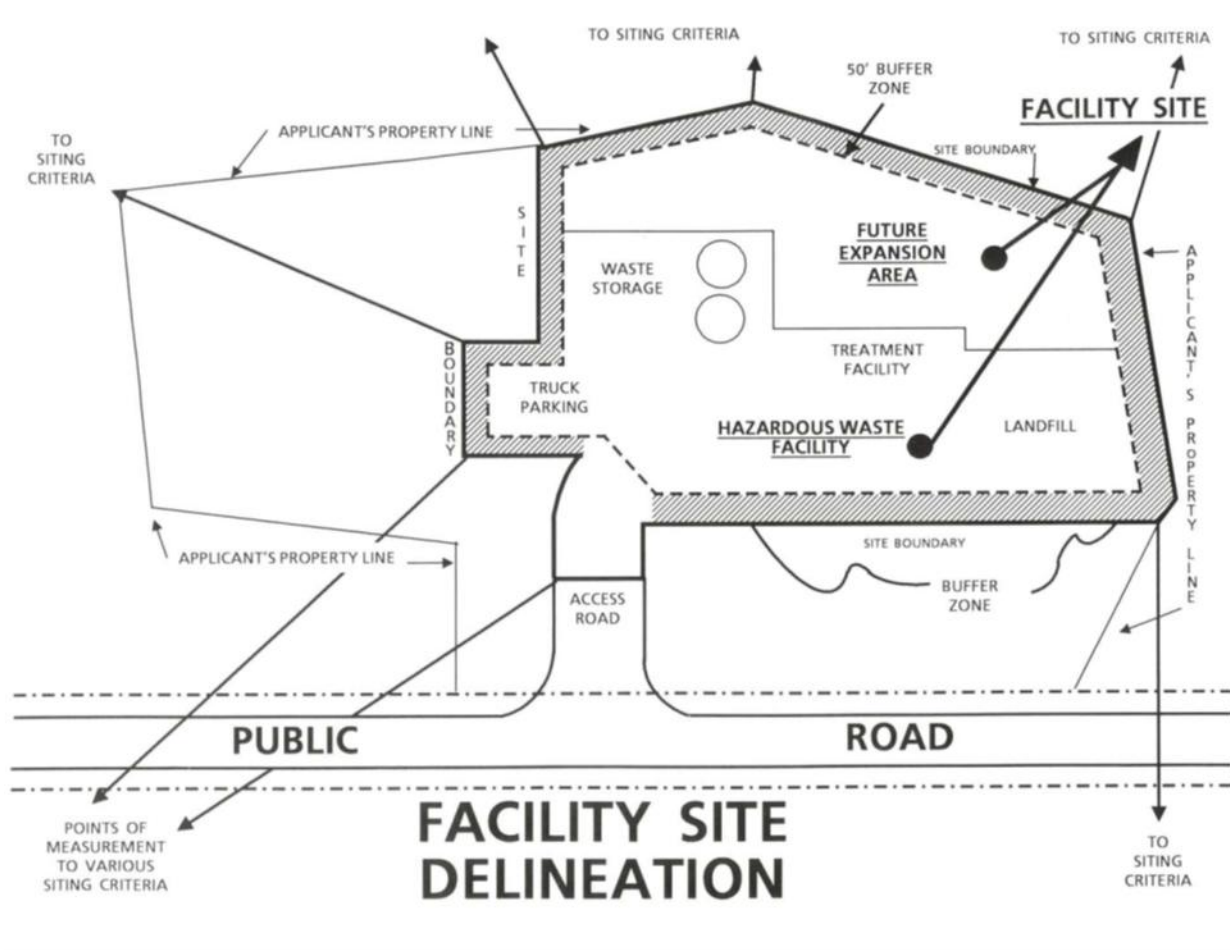
- 269a.21 - Water Supply
- 269a.22 - Flood Hazard areas
- 269a.23 – Wetlands
- 269a.24 – Oil and Gas areas
- 269a.25 – Carbonate Bedrock areas
- 269a.26 – National Natural Landmarks and Historic Places

➤ Phase I Exclusionary Siting Criteria (cont'd.)

- 269a.27 – Dedicated Lands in Public Trust
- 269a.28 – Agricultural areas
- 269a.29 – Exceptional Value Waters

***The Phase I Exclusionary Criteria prohibit the siting of a hazardous waste treatment or disposal facility in an excluded area delineated under these criteria.*

Facility Site Delineation



➤ Criterion #1: Water Supply (not applicable)

- Landfill, land treatment and surface impoundment facilities shall not be sited:
 - Within ½ mile of well or spring used for community water supply;
 - Within ½ mile of either side of stream or impoundment for distance of 5 stream miles upstream of any surface water intake for community water supply; or
 - Within ½ mile of any off-site private or non-community public well or spring used as an active water supply.

➤ Criterion #2: Flood Hazard Areas (applicable)

- Surface impoundment, landfill and land treatment facilities shall not be sited in 100-year floodplain or such larger areas as the flood of record has inundated.
- Treatment and incineration facilities shall not be sited in the 100-year floodplain or such larger area as the flood of record has inundated, unless the industrial use on the proposed site was in existence as of Oct. 4, 1978 (effective date of the Flood Plain Management Act).

Criterion #3: Wetlands (applicable)

- Treatment and disposal facilities shall not be sited in wetland areas
- The applicant must demonstrate that the proposed facility is not located in a wetland by using a delineation method jointly adopted by U.S. Army Corp. of Engineers and U.S. Soil Conservation Service and endorsed by DEP.

➤ Criterion #4: Oil & Gas Areas (not applicable)

- Surface impoundment, landfill and land treatment facilities shall not be sited over active or inactive oil and gas wells, or gas storage areas location within or beneath the facility site. “Active or inactive oil and gas wells or gas storage areas” shall have the same meaning as in the Oil & Gas Act of 1984.

➤ Criterion #5: Carbonate Bedrock Areas(not applicable)

- Surface impoundment, landfill and land treatment facilities shall not be sited over limestone or carbonate formations, where the formation is greater than 5 feet thick and present at the topmost geologic unit.

➤ Criterion # 6: National Landmarks & Historic Places (applicable)

- Treatment and disposal facilities shall not be sited within National Natural Landmarks designed by the National Park Service of historic sites listed on the National Register of Historic Places, unless the statute under which the designation or listing has been made authorizes the operation of such facilities in such areas.

➤ Criterion #7: Dedicated Lands in Public Trust (applicable)

- Treatment and disposal facilities shall not be sited on lands in public trust including state, county or municipal parks, units of the National Parks System, state forests, the Allegheny National Forest, state game lands, property owned by the Pennsylvania Historical and Museum Commission, a national wildlife refuge, national fish hatchery, or national environmental center unless the agency administering such lands has been given authority by statute or ordinance to allow the operations of such facilities on such lands.

➤ Criterion #8: Agricultural Areas (applicable)

- Treatment and disposal facilities shall not be sited in agricultural areas established under the Pennsylvania Agricultural Area Security Law, or in farmlands identified as Class I agricultural land by the Soil Conservation Service.

➤ Criterion #9: Exceptional Value Waters (applicable)

- Treatment and disposal facilities shall not be sited in watersheds of Exceptional Value Waters.
- Exceptional Value Waters are defined in Section 93.1 of 25 PA Code.
- Section 93.9 of the Department's Water Quality Standards provides a listing of the exceptional value watersheds in the Commonwealth.

Siting Team Public Hearing

- Tonight's hearing, which immediately follows this meeting will be chaired by DEP with a stenographer present to record testimony and prepare a verbatim record of the hearing.
- Written comments will be accepted until Dec. 26 on the Phase I siting application.

Next Steps

- Siting Team will make a decision regarding the siting application following the comment deadline.
- Comment response document will be prepared and sent to all who submitted oral or written comments.
- DEP will inform interested parties of additional meetings or hearings regarding this proposal.



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Written and electronic comments may be sent to:

**Hazardous Waste Facility Siting Team Leader
Pennsylvania DEP Southeast Regional Office
2 E. Main St., Norristown, PA 19401**

Phone: 484-250-5960; Fax: 484-250-5961

Or via email: RA-HazWaste@pa.gov

(please reference Elcon in subject header)